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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,993	07/12/2000	Fred Boyle McCormick	55085USA1A.002	3298

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,993

Applicant(s)

MCCORMICK ET AL.

Examiner

Kevin Quarterman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment A, filed 24 June 2003, has been entered and overcomes the claim objections and claim rejections under 35 USC § 112, 2nd paragraph.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 5652067).
4. Regarding independent claim 43, Figure 1 of Ito shows an article comprising an organic electronic device which comprises a substrate (1); an adhesive (8) on the substrate; a multi-layer structure comprising one or more organic layers (3, 4) between an anode (2) and a cathode (5), wherein the adhesive surrounds the multi-layer structure; and a sealing layer (9) wherein the adhesive is equal to the circumference of one or both of the substrate or sealing layer.
5. Regarding claim 38, Ito discloses that the adhesive is selected from the group comprising hot melt adhesive, pressure sensitive adhesives, curable adhesives, and filled adhesives (col. 19, ln. 56-61).

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6. Regarding claim 39, Ito discloses that the filled adhesive is selected from the group comprising electrically conductive adhesives, thermally conductive adhesives, and desiccating adhesives (col. 19, ln. 56-61).
7. Regarding claim 40, Figure 1 of Ito shows the circumference of the adhesive layer being greater than that of an electrode.
8. Regarding claim 41, Ito discloses that the article is an organic EL device.
9. Regarding claim 42, Ito discloses the substrate comprising glass, the anode comprising ITO, the hole transporting layer comprising 4,4'-bis(naphthalene-2-yl)-N,N'-diphenyl benzidine, the light emitting layer comprising coumarin-doped tris(8-hydroxyquinolino)aluminum, the electron transporting layer comprising bis(10-hydroxy-benzo(h)quinolino)beryllium, bis(2-(2-hydroxy-phenyl)-benzothiazolato) zinc, 3,4,5-triphenyl-1,2,4-triazole, or 2-(4-biphenyl)-5-(4-t-butylphenyl)-1,3,4-oxadiazole, and the cathode comprising lithium fluoride and aluminum (col. 7).
10. Regarding claim 44, Figure 4 of Ito shows the organic layers comprising a hole-transporting layer (3), a light-emitting layer (4), and an electron-transporting layer (12).

Response to Arguments

11. Applicant's arguments filed 24 June 2003 have been fully considered but they are not persuasive.
12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the anode being covered by the sealing layer) are not recited in the rejected

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claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

13. Applicant states that Ito does not teach a structure with the adhesive placed on top of the substrate with a pattern structure to surround the OLED elements having a top sealing layer placed at the top of the construction which fits onto the adhesive and seals the adhesive with the substrate, wherein the OLED elements are inside of the adhesive. In response to this argument, the Examiner submits that Figures 1-10 of Ito indeed show the structure, as described earlier in the claim rejections under 35 USC § 102.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman
Examiner
Art Unit 2879

kq 
August 21, 2003


Nimesh Patel
Supervisory Patent Examiner
Art Unit 2879